



City Council Work Session Agenda Thursday, October 8, 2015, 1 p.m. Committee Room, Second Floor

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[Roll Call]

[Priority Items By The City Manager, City Attorney, And City Clerk]

[Ceremonial Item]

- National Youth Justice Awareness Month

[Administrative Consent Items]

City Clerk's Office

1. Mayor's Nominee for Appointment – Housing Appeals Board

To appoint Fredrick Davis to the Housing Appeals Board as a Mayor's Appointee – Regular Member representing At-Large with the term to expire on June 30, 2017.

(Due to the expired term of Willie J. Sturgess, Sr.)

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 11264) ([PR# 10737](#))

2. Workforce Development Board – Appointment

To appoint a citizen to fill one (1) vacancy on the Workforce Development Board representing Out-of-School Youth Organization with the term to expire on June 30, 2019.

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 11264) ([PR# 10738](#))

3. Durham Housing Authority Board of Commissioners – Appointments

To appoint citizens to fill two (2) vacancies on the Durham Housing Authority Board of Commissioners with one (1) member directly assisted by the Housing Authority. The terms will expire on September 28, 2020.

(Due to the terms expiring of Gloria Nottingham and George Quick)

(Resource Person: LaVerne V. Brooks – 919-560-4166 ext. 11264) ([PR# 10740](#))

[Departmental Items]

Budget and Management Services Department

4. Request to Carryover Funds from FY2014-15 to FY2015-16 Budget and Other Budget, Grant and Capital Project Ordinances

To adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal Year 2015-16, as amended, the same being Ordinance #14778 for the purpose of reallocating funding sources for various projects;

To adopt a Budget Ordinance Amending the City of Durham Budget Ordinance as amended, Fiscal Year 2015-16, the same being Ordinance #14808 to appropriate fund balance for the carryover request, and recognize encumbrances brought forward;

To adopt the FY 2016 Square 1 Bank Grant Project Ordinance for the purpose promoting long-term economic growth and funding for the Durham YouthWork Program;

To adopt the FY 2013-14 CDBG Grant Project Ordinance superseding GPO # 14507 for the purpose of adjusting for actual program income totals;

To adopt the FY 2013-14 HOME Grant Project Ordinance superseding GPO # 14506 for the purpose of adjusting for actual program income totals;

To adopt the FY 2015 Susteen Mobile Forensic Equipment Grant Project Ordinance for the purpose of purchasing a Next-Gen Secure View Mobile Forensic System;

To adopt the FY 2015 US Marshals Service 2015 Fugitive Apprehension Task Force Grant Project Ordinance superseding GPO # 14643 for the purpose of recognizing additional funds for the project;

To adopt the FY 2010-11 FTA Section 5307 STPDA Grant Project Ordinance superseding GPO # 14107, for the purpose of adjusting for actual project expenditures;

To adopt the FY 2010-11 FTA Section 5309 Grant Project Ordinance superseding GPO # 14136 for the purpose of a minor technical correction;

To adopt the FY 2014-15 Transit Planning and Capital Grant Project Ordinance superseding

GPO # 14717 for the purpose of a adjusting the grant to the actual allocation amount;

To adopt the FY 2015-16 Transit Capital Grant Project Ordinance superseding GPO # 14789 for the purpose of adding the FTA's interest of a transit facility to the ordinance;

To adopt the FY 2013-14 State Apprentice Program Grant Project Ordinance superseding GPO # 14683 for the purpose of a minor technical correction;

To adopt the FY 2014-15 State Apprentice Program Grant Project Ordinance superseding GPO # 14770 for the purpose of adjusting the grant to actual expenses;

To adopt the FY 2012-13 State Technology Grant Project Ordinance superseding GPO # 14309 for the purpose of adjusting the grant to actual expenses;

To adopt the FY 2009-10 State Technology Grant Project Ordinance superseding GPO # 14053 for the purpose of adjusting the grant to actual expenses; and

To adopt a Resolution superseding Resolution #9930 to amend the Risk and Employee Insurance Internal Service Funds Fiscal Year 2015-16 Financial Plans for the purpose of recognizing encumbrance carry forwards.

(Resource Person: Bertha T. Johnson – 919--560-4111 ext. 20285) ([PR# 10695](#))

City Manager's Office

5. An Ordinance to Revise the Temporary Street Closing Procedures for Special Events

To adopt an Ordinance to Revise the Temporary Street Closing Procedures, to Revise Prohibitions on Obstructing and Impeding Pedestrian and Vehicular Travel on Sidewalks, and to Set a Fixed Civil Penalty for Violation of Article II (Sales and Solicitations in the Street Right-of-Way) of Article 54 of the City Code.

(Resource Person: William "Bo" Ferguson – 919-560-4222 ext. 11231) ([PR# 10715](#))

Department of Water Management

6. Contract Award to L-J, Inc. for Contract SR-62 Easement Maintenance – Tree Removal

To authorize the City Manager to execute a contract with L-J, Inc. for Contract SR-62 Easement Maintenance – Tree Removal in an amount not to exceed \$437,860.00.

(Resource Person: Jerry Morrone – 919-560-4381 ext. 35243) ([PR# 10720](#))

7. Contract with Fountainworks, LLC to Provide Professional Services in Support of the Jordan Lake Partnership

To authorize the City Manager to execute the service contract between Fountainworks, LLC and the City in the amount not to exceed \$120,000.00 on behalf of the Jordan Lake Partnership.

(Resource Person: Don Greeley – 919-560-4381 ext. 35258) ([PR# 10734](#))

Finance Department

8. Resolution Authorizing City Auction

To adopt a Resolution Authorizing the City Auction to be held on Saturday, October 24, 2015 at 10:00 a.m.

(Resource Person: Jonathan Hawley – 919-560-4132 ext. 18225) ([PR# 10724](#))

9. Auctioneering Services

To accept the proposal from Wester Auction & Realty, Inc., in the sum of 6.8% of the gross sales for providing the City with Auctioneering Services.

To authorize the City Manager to enter into a contract with Wester Auction & Realty, Inc., in the sum of 6.8% of the gross sales for providing the City with Auctioneering Services.

(Resource Person: Jonathan Hawley – 919-560-4132 ext. 18225) ([PR# 10725](#))

General Services Department

10. Proposed Advance Acquisition for the Future Expansion of Lake Michie, Property of James Franklin Roberts, ET Al

To approve the fee simple acquisition of three parcels with a total of +/-318.39 acres for \$2,400,000.00. The first is located at 2902 Bahama Road consisting of +/- 134.14 acres (Parcel #191888), the second at 2620 Roberts Road consisting of +/- 141.55 acres (Parcel #191886) and the third at 2802 Bahama Road consisting of +/- 42.70 acres (Parcel #191879) from James Franklin Roberts and wife, Lila Kay Teague Roberts, Betsy Roberts Miller and husband Christopher Eric Miller, Jeanette Kaye Roberts (unmarried), Virginia Pettigrew and husband, Thomas Pettigrew, Kelly Pettigrew (unmarried), and Kara Pettigrew (unmarried).

(Resource Person: Amy Sears – 919-560-4197 ext. 21274) ([PR# 10732](#))

11. Proposed Acquisition of the Former Duke Diet and Fitness Center Property Located at 808 West Trinity Avenue

To approve the fee simple acquisition of 9.18 acres located at 808 West Trinity Avenue (Parcel # 105281) from Duke University for \$1,000,000.00.

(Resource Person: David Fleischer – 919-560-4197 ext. 21288) ([PR# 10736](#))

Parks And Recreation Department

12. Lease of Non-Residential Property and Contract for Service with Achievement Academy of Durham

To authorize the City Manager to execute the Lease for Non-Residential Property and Contract for Service with Achievement Academy of Durham for use of the W. I. Patterson Recreation Center.

(Resource Person: Annette Smith – 919-560-4355 ext. 27214) ([PR# 10728](#))

Public Works Department

13. Resolution Authorizing the City Manager and Delegates to Execute Encroachment Agreements with North Carolina Department of Transportation (NCDOT) and Railroad Companies

To adopt a Resolution Authorizing the City Manager and Delegates to execute Encroachment Agreements with North Carolina Department of Transportation and Railroad Companies.

(Resource Person: Robert Joyner – 919-560-4326 ext. 30229) ([PR# 10729](#))

[Presentations]

Budget and Management Services Department

14. Presentation on Long Term Capital Needs (10 minutes)

To accept a report and receive a presentation on Long Term Capital Needs for the City of Durham.

(Resource Person: John Allore – 919-560 4111 ext. 20292) ([PR# 10727](#))

City Council

15. Report on Child Sex Trafficking in Durham

To receive a report on Child Sex Trafficking in Durham by the Durham-Orange Women Attorneys' Sex Trafficking Committee; and

To adopt a Resolution calling for the creation of a county-wide child sex trafficking task force and a Durham Response Protocol on child sex trafficking.

(Resource Person: Council Member Eddie Davis – 919-560-4396) ([PR# 10741](#))

[Public Hearings]

City-County Planning Department

16. Comprehensive Plan Amendment – Garrett Ridge Multifamily Phase 3 (A1500006)

To conduct a public hearing and receive comments on the Garrett Ridge Multifamily Phase 3 (A1500006) Plan Amendment; and

To adopt a Resolution to change the Future Land Use from Medium Density Residential to Medium High Density Residential.

Recommendations: The staff recommends approval based on the justification and proposed land use designation meeting the four criteria for plan amendments.

Planning Commission recommended approval, based on information provided in the staff report, the applicant's justification, information heard at the public hearing, and meeting the criteria for plan amendments, 14-0, on August 11, 2015.

(Resource Person: Steven L. Medlin, AICP – 919-560-4137 ext. 28223) ([PR# 10703](#))

17. Zoning Map Change – Garrett Ridge Multifamily Phase 3 (Z1500013)

To conduct a public hearing and receive comments on the zoning map change for Garrett Ridge Multifamily Phase 3 (Z1500013);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1500013 out of Residential Suburban – 20 (RS-20) and Residential Suburban – Multifamily (RS-M(D)) and placing same in and establishing same as Residential Suburban – Multifamily with a development plan (RS-M(D)); and

To adopt a consistency statement as required by GS 160A-383. Staff Determination: Staff determines that this request, should the plan amendment be approved, is consistent with the Comprehensive Plan and other adopted policies and ordinances.

Planning Commission Recommendation and Vote: Approval 14-0 on August 11, 2015. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

[The site is located at 4806 – 5010 Garrett Road, west side of Garrett Road, just north of Old Chapel Hill Road, PINs 0800-04-81-3306, -80-4975, -81-1612, -3613].

(Resource Person: Steven L. Medlin, AICP – 919-560-4137 ext. 28223) ([PR# 10705](#))

18. Consolidated Annexation – 4512 Denfield Street (BDG1500007)

To conduct a public hearing and receive comments on the Consolidated Annexation – 4512 Denfield Street (BDG1500007);

To authorize the City Manager to enter into a utility extension agreement with True Covenant Missionary Baptist Church;

To adopt an Ordinance Annexing 4512 Denfield Street (BDG1500007) into the City of Durham effective December 31, 2015;

To adopt an Ordinance Amending the Unified Development Ordinance to establish Industrial Light, Falls of the Neuse/Jordan-Lake (IL, F/J-B) zoning for the property; and

To adopt a consistency statement as required by NCGS 160A-383.

Recommendations: The staff recommends that the City Council approve the Utility Extension Agreement, Voluntary Annexation Petition, and Initial Zoning and to vote separately to adopt a consistency statement as required by NCGS160A-383.

(Resource Person: Steven L. Medlin, AICP – 919-560-4137 ext. 28223) ([PR# 10726](#))

19. LD1500001 West Village Complex – Parking Lot, Local Historic Landmark Designation Removal

To remove the local historic landmark designation from the West Village Complex parking lot.

Recommendations: The staff recommends approval of the request to remove the landmark designation for the West Village Complex parking lot. The Historic Preservation Commission recommended approval of the request (6-0) at its August 4, 2015 meeting.

(Resource Person: Steven L. Medlin, AICP – 919-560-4137 ext. 28223) ([PR# 10731](#))

[Citizens' Matters – To Be Heard at 1:00 p.m.]

20. Linda Rogers

To receive comments from Linda Rogers regarding pay for the school crossing guards.

(Resource Person: Linda Rogers) ([PR# 10743](#))

21. Elois Johnson

To receive comments from Elois Johnson regarding the Dog Poop Ordinance.

(Resource Person: Elois Johnson) ([PR# 10702](#))

22. B. J. Smith

To receive comments from B. J. Smith regarding the use of public facilities at Lyon Park.

(Resource Person: B. J. Smith) ([PR# 10744](#))

23. Gwyn Silver

To receive comments from Gwyn Silver regarding Durham Parks and Recreation.

(Resource Person: Gwyn Silver) ([PR# 10745](#))

24. Brady Surles

To receive comments from Brady Surles regarding the 40th Anniversary of Sister Cities, Annual Meeting and Awards Ceremony on October 15, 2015.

(Resource Person: Brady Surles) ([PR# 10746](#))

[Supplemental Item]

25. Resolution in Support of Resettlement of Syrian Refugees in Durham

To adopt a Resolution in support of Resettlement of Syrian Refugees in Durham.

(Resource Person: Council Member Steve Schewel - 919-560-4396 ext. 10273) (PR# 10762)

[Closed Session]

To hold a closed session to discuss matters relating to the location or expansion of industries or other businesses in the City of Durham, pursuant to G.S. 143-318.11(a)(4).

[Adjournment]

Notice Under the Americans with Disabilities Act (ADA).

The City of Durham will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Stacey Poston, Acting ADA Coordinator, Voice: (919)560-4197, ext. 21254, TTY:(919) 560-1200; ADA@durhamnc.gov, as soon as possible but no later than 48 hours before the scheduled event.

